

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION,

THIS DOCUMENT RELATES TO THE MASTER
CONSOLIDATED CLASS ACTION,

MDL No. 1456

Civil Action No. 01-12257-PBS

NONPARTY NEIGHBORHOOD HEALTH PLAN, INC.'S
MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENA
FROM DEFENDANT DEY, INC.

Pursuant to Fed. R. Civ. P. 45(c), now comes non-party Neighborhood Health Plan, Inc. ("NHP") and moves for a protective order and to quash the subpoena from defendant Dey, Inc. In further support of this Motion, NHP relies on Nonparty Neighborhood Health Plan, Inc.'s Memorandum in Support of Motion for Protective Order and to Quash Subpoena from Defendant Dey, Inc. and the Affidavit of Pamela Siren, submitted herewith.

Respectfully submitted,

Neighborhood Health Plan, Inc.,

By its Attorneys,

/s/Susan Hughes Banning

Susan Hughes Banning

BBO #028640

HEMENWAY & BARNES

60 State Street

Boston, MA 02109

(617) 227-7940

Dated: November 29, 2005

CERTIFICATION PURSUANT TO LOCAL RULES 7.1 AND 37.1

I hereby certify that I attempted in good faith to confer with counsel for Dey, Inc. to resolve or narrow the issues presented by this Motion and that counsel for Dey, Inc. failed to respond.

CERTIFICATE OF SERVICE

I, Susan Hughes Banning, counsel to nonparty Neighborhood Health Plan, Inc., hereby certify that on November 29, 2005, I caused copies of Nonparty Neighborhood Health Plan, Inc.'s Motion for Protective Order and to Quash Subpoena from Defendant Dey, Inc., Nonparty Neighborhood Health Plan, Inc.'s Memorandum in Support of its Motion for a Protective Order and to Quash Subpoena from Defendant Dey, Inc., and Affidavit of Pamela Siren to be served electronically on all counsel of record.

/s/Susan Hughes Banning

Susan Hughes Banning